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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,573	12/27/2005	Mats Erlandsson-Warvelin	43315-226097	8602
26694	7590	03/26/2010	EXAMINER	
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998				NORTON, JENNIFER L
ART UNIT		PAPER NUMBER		
		2121		
MAIL DATE			DELIVERY MODE	
03/26/2010			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/562,573	ERLANDSSON-WARVELIN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	JENNIFER L. NORTON	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 February 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 and 29-38 is/are pending in the application.  
 4a) Of the above claim(s) 8-10, 15-26 and 29-38 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7, 11-14 and 27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 December 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. The following is a **Non-Final Office Action** in response to the Request for Continued Examination filed on 01 February 2010. Claims 1, 2, 14 and 27 have been amended. Claim 28 has been previously cancelled. Claims 8-10, 15-26 and 29-38 have been previously withdrawn. Claims 1-27 and 29-38 are pending in this application. Claims 1, 2, 3-7, 11-14 and 27 have been examined on their merits.

### ***Response to Arguments***

2. Applicant's arguments, see Remarks pgs. 11-15, filed 01 February 2010 with respect to claims 1-3 rejected under 35 U.S.C. 102(b) have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments, see Remarks pgs. 15-16, filed 01 February 2010 with respect to claims 4-7, 11-14 and 27 rejected under 35 U.S.C. 103(a) have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 5 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0011197 A1 (hereinafter White) in view of U.S. Patent No. 5,914,880 (hereinafter Yasojima).

5. As per claim 1, White teaches to a method for controlling a machine to pick up an item from a first position and place the item in a second position (pg. 3, par. [0025] and Fig. 2, element 120; i.e. via pick and place subsystem), the method comprising:

providing with a senior member data (via Fig. 2, element 112 and 114) on said first position (i.e. detecting when an item has arrived) to a control member (Fig. 2, element 130) configured to control a plurality of machines sending a message from a master process of the control member comprising one or more said first positions to all said machines controlled by said control member (pgs. 2-3, par. [0023]; i.e. sending status signals to upstream and downstream machines),

sending a message from said control member to said machines with an indicator member specifying which of the one or more first positions shall be used (pgs. 2-3, par. [0023]; i.e. sending control signals to upstream and downstream machines), and

receiving with said control member from one of said machines a message that said one of first positions has been used (pgs. 2-3, par. [0023] and pg. 5, par. [0045]; i.e. receiving a "PLACED" status information from upstream and downstream machines).

White does not expressly teach sending a message from said control member to all said machines with an indicator member specifying which of the one or more first positions shall be used.

Yasojima teaches to sending a message from said control member (pg. 10, lines 46-50 and pg. 11, lines 13-18 and Fig. 11, element 40) to all said machines (col. 5, lines 65-67 and col. 6, lines 1-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of White to include sending a message from said control member to all said machines to provide improved operability and facilitation of expansion of a transfer machine control apparatus (col. 1, lines 65-67).

6. As per claim 2, White teaches to sending a message with said control member (Fig. 2, element 130) comprising said first position, or more said first positions (pgs. 2-3, par. [0023]), to said machines controlled by the control member (pg. 3, par. [0027]) to machines in which message each said first position is marked with a status of used (pgs. 2-3, par. [0023] and pg. 5, par. [0045]; i.e. sending status signals to upstream and downstream machines indicating a "PLACED" state).

White does not expressly teach sending a message with said control member comprising said first position, or more said first positions, to all said machines controlled by the control member.

Yasojima teaches to sending a status message from said control member (pg. 10, lines 46-50 and pg. 11, lines 13-18 and Fig. 11, element 40) to all said machines (col. 5, lines 65-67 and col. 6, lines 1-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of White to include sending a status message from said control member to all said machines to provide improved operability and facilitation of expansion of a transfer machine control apparatus (col. 1, lines 65-67).

7. As per claim 3, White teaches as set forth above to the method according to claim 1, further comprising:

receiving at one of said machines the message comprising one or more said first positions (pgs. 2-3, par. [0023] and pgs. 4-5, par. [0040]),

handling an item (Fig. 2, element 20) placed on one of the one or more of said first positions (pg. 3, par. [0025] and pgs. 4-5, par. [0040]), and

sending a message the control member comprising the information that one or more of said first positions where said item was handled has been used (pgs. 2-3, par.

[0023] and pg. 5, par. [0045]; i.e. receiving a "PLACED" status information from upstream and downstream machines).

8. As per claim 4, White teaches the method according to claim 1, further comprising:

updating a status of one of said first positions to read used (pg. 5, par. [0045]; i.e. "PLACED" status), and

sending to all machines controlled by said control member a message that a status of the said first position consumed is equal to used (pgs. 2-3, par. [0023] and pg. 5, par. [0045]; i.e. receiving a "PLACED" status information from upstream and downstream machines).

White does not expressly teach to updating in said control member a marker of one of said first positions; and sending from the control member to all machines controlled by said control member a status message.

Yasojima teaches to updating in said control member a marker of one of said first positions (col. 5, lines 65-67 and col. 6, lines 1-6; i.e. updating the current status in memory); and sending from the control member (pg. 10, lines 46-50 and pg. 11, lines 13-18 and Fig. 11, element 40) to all machines controlled by said control member a status message (col. 5, lines 65-67 and col. 6, lines 1-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of White to include updating in said control member a marker of one of said first positions; and sending from the control member to all machines controlled by said control member a status message to provide improved operability and facilitation of expansion of a transfer machine control apparatus (col. 1, lines 65-67).

9. As per claim 5, White does not expressly teach the method according to claim 1, further comprising:

selecting with a control member one or more specific said first positions to be handled by a specific machine.

Yasojima teaches to selecting with a control member (Fig. 3, element 30 of Fig. 2, element 20) one or more specific operation to be handled by a specific machine (col. 4, lines 38-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of White to include selecting with a control member one or more specific operation to be handled by a specific machine to provide improved operability and facilitation of expansion of a transfer machine control apparatus (col. 1, lines 65-67).

10. As per claim 27, White teaches to a computer program product (pg. 5, par. [0046]), comprising:

    a computer readable medium (pg. 5, par. [0046]; i.e. RAM or ROM); and  
    computer code and/or software code portions recorded on the computer  
    readable medium which when loaded into a computer or processor will make the  
    computer or processor (pg. 5, par. [0046; i.e. storing computer/software code on RAM  
    or ROM) perform a method for controlling a machine to pick up an item from a first  
    position and place the item in a second position (pg. 3, par. [0025] and Fig. 2, element  
    120; i.e. via pick and place subsystem),

        the method comprising providing with a sensor member data (via Fig. 2,  
        element 112 and 114) on said first position (i.e. detecting when an item has  
        arrived) to a control member (Fig. 2, element 130) configured to control a  
        plurality of machines (pgs. 2-3, par. [0023]; i.e. sending status signals to  
        upstream and downstream machines),

        sending a message from a master process of the control member  
        comprising one or more said first positions to said machines controlled by said  
        control member (pgs. 2-3, par. [0023]; i.e. sending control signals to upstream  
        and downstream machines),

        sending a message from said control member to said machines with an  
        indicator member specifying which of the one or more first positions shall be

used (pgs. 2-3, par. [0023] and pg. 5, par. [0045]; i.e. sending a “PLACED” status information from upstream and downstream machines), and receiving with said control member, from one of said first machines a message that said one of first positions has been used (pgs. 2-3, par. [0023] and pg. 5, par. [0045]; i.e. receiving a “PLACED” status information from upstream and downstream machines).

White does not expressly teach sending a message from said control member to all said machines with an indicator member specifying which of the one or more first positions shall be used.

Yasojima teaches to sending a message from said control member (pg. 10, lines 46-50 and pg. 11, lines 13-18 and Fig. 11, element 40) to all said machines (col. 5, lines 65-67 and col. 6, lines 1-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant’s invention to modify the teaching of White to include sending a message from said control member to all said machines to provide improved operability and facilitation of expansion of a transfer machine control apparatus (col. 1, lines 65-67).

11. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Yasojima in further view of U.S. Patent No. 5,568,593 (hereinafter Demarest).

12. As per claim 6, White nor Yasojima expressly teach the method according to claim 5, wherein the control member uses an algorithm to select one of said first positions to be handled by one specific machine of all machines.

Demarest teaches a control member uses an algorithm to select one of said first positions to be handled by one specific machine of all machines (col. 4, lines 23-31 and col. 12, lines 15-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of White in view of Yasojima to include a control member uses an algorithm to select one of said first positions to be handled by one specific machine of all machines to provide an cost effective sorting device that virtually eliminates operators exposure to repetitive manual operations (col. 2, lines 11-13).

13. As per claim 7, White nor Yasojima expressly teach the control member carries out a repeated triggering of a first position.

Demarest teaches as set forth above the control member carries out a repeated triggering of a first position (col. 7, lines 64-67 and col. 8, line 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of White in view of Yasojima to include a control member carries out a repeated triggering of a first position to provide an cost effective sorting device that virtually eliminates operators exposure to repetitive manual operations (col. 2, lines 11-13).

14. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Yasojima in further view of U.S. Patent No. 4,580,207 (hereinafter Arai).

15. As per claim 11, White nor Yasojima expressly teach allocating one of said first positions to a specific machine dependent on load balancing for a plurality of machines controlled by the control member.

Arai teaches to allocating one of said first positions to a specific machine dependent on load balancing for a plurality of machines controlled by the control member (col. 5, lines 28-44).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of White in view of Yasojima to

include allocating one of said first positions to a specific machine dependent on load balancing for a plurality of machines controlled by the control member to improve the production efficiency such as improvement of a utilization factor of the facilities (col. 8, lines 18-21).

16. As per claim 12, White nor Yasojima expressly teach allocating said first position to a specific machine dependent on load balancing for all of the machines controlled by the control member.

Arai teaches to allocating a job to a specific machine dependent on load balancing for all of the machines controlled by the control member (col. 5, lines 28-44 and col. 6, lines 23-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of White in view of Yasojima to include allocating a job to a specific machine dependent on load balancing for all of the machines controlled by the control member to improve the production efficiency such as improvement of a utilization factor of the facilities (col. 8, lines 18-21).

17. As per claim 13, White nor Yasojima expressly teach allocating one of said first positions to a specific machine dependent on a stoppage that has occurred in a work group controlled by the control member

Arai teaches to allocating a job to a specific machine dependent on a stoppage that has occurred in a work group controlled by the control member (col. 5, lines 28-44 and col. 6, lines 23-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of White in view of Yasojima to include allocating a said job to a specific machine dependent on a stoppage that has occurred in a work group controlled by the control member to improve the production efficiency such as improvement of a utilization factor of the facilities (col. 8, lines 18-21).

18. As per claim 14, White nor Yasojima expressly teach allocating one of said first positions to a specific machine dependent on the removal from service of another specific machine in the work group controlled by the control member.

Arai teaches to allocating one of said first positions to a specific machine dependent on the removal from service of another specific machine in the work group controlled by the control member (col. 5, lines 28-44 and col. 6, lines 23-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of White in view of Yasojima to include allocating one of said first positions to a specific machine dependent on the removal from service of another specific machine in the work group controlled by the

control member to improve the production efficiency such as improvement of a utilization factor of the facilities (col. 8, lines 18-21).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER L. NORTON whose telephone number is (571)272-3694. The examiner can normally be reached on Monday-Friday between 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decay can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/  
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/JLN/